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ABSTRACT

This article examines the trend to eliminate school boards and place school districts under local or state government control. It outlines general problems that may lead to legal actions against school districts and suggests activities for integrating public viewpoints into school governance. (LMI)

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School Boards' Legal Status – Holding the Course or in Jeopardy?

by Michael Wessely

Is the school board becoming an endangered species? If you've read the newspaper lately, you might be persuaded to think they are. In a story appearing in the Baltimore *Sun* (Sunday, 1-21-96) entitled, *Cities without school boards not unusual*, staff writer Mike Bowler reported that the Baltimore City Public Schools are being eyed by the mayor's office and the state department of education for possible takeover. According to Baltimore's Mayor, Kurt Schmoke, the "concept" for a new Baltimore City Schools would feature a non-educator chief executive, a financial manager and a provost for academic affairs. A citizen board would be retained but would serve only in an advisory capacity. This strongly suggests that the Baltimore Board of School Commissioners would cease to exist as currently constituted.

Could vanishing school boards in Boston, Newark and Chicago indicate the existence of a possible trend, especially in urban areas, to eliminate school boards and place schools under local or state government control?

Education people understand that the situation described in the *Sun* article is being played out across the country. In fact, more than 20 states have passed legislation allowing their state departments of education to step in and take control of local school districts identified as being in trouble academically, financially, or both. (For more, see sidebar: *Governor Proposes Potential Abolition of Elected School Committees*.) The Chicago school board, explained Bowler, was dissolved by the Illinois state legislature and replaced by a five-member board of trustees appointed by the city's mayor. Ohio's takeover of the Cleveland school district allows the school board there to conduct its regular business but subjects the board to review and oversight by the state. Three New Jersey school districts have been taken over by the department of education.

More than 20 states have passed legislation allowing their state departments of education to step in and take control of local districts identified as being in trouble academically, financially, or both.

In Mississippi, the state education department is preparing to take control of a school district that is experiencing a significant financial deficit. (*Education Week*, 1-17-96). To accomplish this, two bills have been introduced. One measure would bail out the district but would require development of a no-interest payback plan. The second bill would dissolve the local school board and enact necessary budgetary cuts to return the district to a positive financial footing.

In these cases the sitting school board members were either removed and replaced with state appointees or, if retained, found their powers significantly diminished.

But, are districts without school boards no longer "unusual" as the article in the *Sun* implied? The number of school districts reported to have been taken over by state agencies can be counted very quickly. So what about the nearly 15,000 school districts that are not being operated from outside the system?

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What Does This Mean?

In the Baltimore *Sun* article, the head of the Chicago Panel on School Policy, Fred Hess, was quoted as saying he believes direct political control of the schools, if successful in the cities that have installed such systems, will present a new direction for urban centers. Also quoted was Thomas A. Shannon, NSBA's Executive Director, who stated that "eliminating school boards eliminates the educational conscience of the community." And Karen Shook, president of the Washington, DC school board expressed her concern that a city-run school system would "cause parents to have to compete with pothole-filling and snow removal" services thus minimizing the "importance of children and education." The lines are clearly drawn regarding this issue but resolving differences may be a slow process.

No matter what the result of successful, imminent or potential takeovers, one mantra that has been invoked by educators, educational organizations and politicians alike is the need for varying degrees of school reform. Reform efforts may be as complex as developing a policy along state regulatory lines for incorporation of charter schools in the district with all of the contractual jargon and implications specified in clearly articulated terms, or as simple (if any policy can be so labeled) as incorporating into your policy manual procedures for contacting parents/guardians of sick children. In fact, reform doesn't necessarily have to include a re-write of your district's policy manual. It doesn't even need to be externally visible. It can be an internal restructuring; a commitment to looking to alternative methods of governance; simply, a different way of getting the job done.

To understand what kinds and in what areas reform might be warranted in your school district, it is important to understand what infractions state departments of education look for when they consider taking control of local school districts. Appearing in the *American School Board Journal* (12.94), the following list, by no means inclusive, represents general problems that may lead to legal actions being brought against a district by the state.

- An absence of effective management at top levels has precluded the delivery of consistently high quality educational services throughout the district.
- Inaccurate financial advice, insufficient information provided by senior managers and/or inefficient financial administration that lead to significant losses in district finances.
- The district continues to employ individuals who do not possess appropriate certification.
- The purchasing process has been poorly coordinated.
- The board's budget has not addressed the district's goals and objectives and district administrators have not been directly involved in the budget development process.
- The board has failed to provide adequate safeguards for its liquid assets.
- The district's facilities have had significant deficiencies even after repeated citations for similar deficiencies have been made in the past.
- The district's students repeatedly fail to meet minimum achievement standards prescribed by the state and demonstrate no measurable evidence of improvement from one year to the next.

Careful and thorough examinations in these areas can be useful. Regular board self-evaluation, superintendent performance reviews, analysis of district goals and objectives and policy, and quickly responding to criticisms from the state and the community are essential responsibilities of every school board. Corrective measures, based on these efforts, should be developed and implemented where necessary.

Are Takeovers Inevitable? One District Says No!

Are takeovers inevitable if a district finds itself in one or more of the situations described above? Perhaps, but a combination of solutions and preventive maintenance can lessen the chances. In an article appearing in the *New York Times* (4.25.95, p.6B) one school district was featured that exemplifies how a lot of hard work and commitment can be used to avoid a takeover.

Fearing a state takeover, the Union City (NJ) School District initiated an improvement campaign that has apparently worked. Spurred on by a large infusion of city and state funds, Union City was able to modernize 11 schools. Just as important, they decentralized the schools to create school-based com-

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mittees made up of administrators, teachers, parents and students and authorized them to make curriculum and budget decisions. It was this decision that Union City believes sets them apart from improvement programs undertaken in other New Jersey cities where takeovers have occurred.

In 1988 when takeover rumors began to surface, the city pushed through a $27 million bond issue to rebuild the schools. Annual maintenance costs rose from $50,000 to $2 million. Overall , the school budget climbed to $77 million from $42 million as a result of a 1990 state law that provided 30 urban districts with increased aid for education.

In addition to increased funding, the school board brought in a former principal, Thomas Highton, as superintendent. Highton organized school improvement teams in every school and empowered them to make prescribed improvements; headquarters staff committed not to meddle with the teams. School board members and all central administrators had to sit on at least one school improvement team. Despite central administration opposition to some programs, like one involving an R.O.T.C. program, headquarters remained committed to its promise of non-interference. Of course, the board required the teams to make specific changes that were not negotiable. Schedules were changed to provide larger blocks of instructional time, immigrant children — a significant percentage of the district's student population — were placed in computer assisted language classes to expedite immersion in English, and monthly book reports were required of all students. Additionally, faculty development programs were stressed.

Experimental programming also was encouraged. A program teaming Bell Atlantic with one junior high school provided about 300 students with their own computers and access to the Internet. The result was significantly decreased absenteeism and fewer disciplinary problems.

As a result of the school board's monumental efforts and commitment to change what was wrong with the schools through initiation of innovative programs and high expectations, the Union City School District was recertified by the New Jersey Department of Education in August 1995.

Some Suggestions

Is the assumption that school boards are disappearing correct? Are cities without school boards common? Since the locally elected or appointed school boards are generally replaced by state control when a takeover occurs, an argument for answering in the affirmative might be made. The answer, at this time, however, is *no*. School boards remain the education governance body of choice of citizens by an overwhelming margin (whether the choice is made locally or enforced by the state) not only in cities, but also in the suburban and rural areas of the nation. Despite the security of the institution of local school board governance, school districts that fail to adequately address criticisms from the community or fail to comply with state recommendations may find themselves in an insupportable position and, subsequently, find themselves relieved of their responsibilities.

Because the possibility of dissolution exists for school boards, preparation and vigilance should be objectives incorporated into your organizational policies. Generally, school boards should be looking to strengthen their position as governing bodies by strictly adhering to budgets and striving to maintain students' high levels of academic achievement.

Some activities your board may consider to address the challenges in the educational enterprise might include:

- Commissioning public opinion surveys about public schools in your community. It is essential that you know what members of the community - parents, teachers, students -think about current system practices, potential practices and the need for parent/community involvement in general. Consider collecting information through panels, focus groups and more informal venues such as breakfast meetings.

Fearing a state takeover, the Union City School District initiated an improvement campaign that included a bond issue, empowering school administrators, and experimental programming. Avoiding takeover, Union City's schools were recertified by the state in 1995.

- Apply the governance approach formulated by NSBA that calls for school boards to: a.) set the vision for education in its community, b.) ensure an adequate infrastructure to achieve the vision, c.) institutionalize sound academic standards and assessment systems; d.) be an advocate for children.

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- Carefully review the public engagement strategies the school district uses to bring its citizens - particularly parents - together to discuss school issues. It should be an ongoing effort to keep the people connected to their schools. Community involvement, especially by parents, can make or break an issue that is crucial to the district's operation. Use the data you collect in your surveys to develop comprehensive school-community partnerships.
- Bring your district's "message" to the community by arranging for school board members, school officials, teachers, and parents to speak at meetings held by community organizations. Don't be afraid to equip your speakers with video presentations that can dramatize the issues -- like taped footage of holes in school building floors or ceilings when you need to convince voters to pass bond issues for facilities improvements.
- Make sure that the leadership of the community recognizes its responsibility to encourage the best people possible to stand for election as school board members. "New" blood can allow the board to grow and evolve while seasoned board veterans add a practical, grounded approach to governance. The combination of mature and experienced judgement with fresh ideas and novel approaches to issues can result in a productive and able board.

This approach integrates public viewpoints into school governance in a way that strengthens the link between people and their elected representatives. And it assists school boards in fulfilling their role as the school system's visionaries and governing body. ■

Tech Note

Have a suggestion? Want to comment on an article? Need a sample policy? Just want to let off some steam?

Now contact the editor via the ***Net***! Send your E-Mail message to: **wessely@nsba.org**

Governor Proposes Potential Abolition of Elected School Committees

On January 24, 1996, Massachusetts governor William Weld, filed a bill that restructures Education Law for elementary, secondary and higher education in the state. Among the many changes proposed is the possible replacement of school committees [boards] by "any person or persons" who may be determined by the local legislative body, provided that such proposal is subject to a ballot referendum.

The legislation reads as follows:

Section 31 of Chapter 43 is amended as follows:

"Notwithstanding the foregoing, any city may, by vote of a majority of its legislative body, and subject to a favorable vote referendum to be placed on the ballot at the next municipal election, designate any person or persons to act as its school committee, and to preform all functions thereof provided by law."

Section 1 of Chapter 41 is amended as follows:

"except that by vote of a majority of its legislative body, and subject to a favorable vote at referendum to be palced on the ballot at the next town election or special town election, and notwithstanding any general or special law to the contrary, the town may designate any person or persons to act as its school committee, and to perform all functions thereof provided by law."

Section 66 of Chapter 43 is amended as follows:

"Nothing herein shall be construed to limit the authority of the city council to also act as the school committee if so voted pursuant to section thirty-one of this chapter."

Updating will keep you informed as this legislative drama unfolds in Massachusetts.